

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 8, 15-22, 29-43, and 50-64 are currently pending. Claims 1, 2, 8, 17, 31, 38, 50, 52, and 59 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 3-5, 8, 15, 16, 18-22, 29, 30, 32-37, 39-43, 50, 51, 53-58, and 60-64 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,987,126 to Okuyama et al. (hereinafter “the ‘126 patent”) in view of U.S. Patent No. 7,218,736 to Nishimura et al. (hereinafter “the ‘736 patent”); and Claims 2, 17, 31, 38, 52, and 59 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘126 and ‘736 patents, further in view of U.S. Patent No. 6,298,196 to Shima et al. (hereinafter the “196 patent”).

Amended Claim 1 is directed to an information processing apparatus, comprising:  
(1) an extractor configured to extract main information including copy control information, and to extract auxiliary information representing attributes of the main information, from input information; (2) a generator configured to generate copy permission information based on the extracted auxiliary information; and (3) a recorder configured to record the main information including the copy control information as a 188-byte transport stream packet, and to record the copy permission information generated by the generator in an extra 4-byte header adjacent to, but separate from, the 188-byte transport stream packet. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Regarding the rejection of Claim 1 under 35 U.S.C. §103(a), the Office Action asserts that the ‘126 patent discloses everything in Claim 1 with the exception of “a recorder

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<sup>1</sup> See, e.g., original Claim 29.

configured to record the main information as a 188-byte transport stream packet, and to record the copy permission information generated by the generator in....an extra 4-byte header adjacent to, but separate from, the 188-byte transport stream packet,”<sup>2</sup> and relies on the ‘736 patent to remedy those deficiencies.

The ‘126 patent is directed to a device having a digital interface that includes a first detector that detects, from data in a predetermined data format, copy generation management information; and a first interface that converts the data in the predetermined format to data in a data format of the network bus, and inserts the copy generation management information into the data format corresponding of the network bus, after the format conversion. As shown in Figure 4, the ‘125 patent discloses that a copy generation managing circuit 44 is designed to insert the copy generation management information based on the detection result of the copy flag detector 42 to the position corresponding to the format after conversion, when the format converting circuit 43 executes any format conversion.<sup>3</sup> Further, the ‘126 patent discloses that, as an example, when the recording format records to the D-interface format, the copy generation management circuit 44 inserts the copy generation management information to the CGMS area of the source control pack when the data from the device 22 is recorded.

However, as admitted in the outstanding Office Action, the ‘126 patent fails to disclose a recorder configured to record the main information as a 188-byte transport stream packet, and to record the copy permission information generated by the generator in an extra 4-byte header adjacent to the 188-byte transport stream packet, as recited in amended Claim 1. In particular, the ‘126 patent fails to disclose a recorder that is configured to record the main information including the copy control information as a 188-byte transport stream packet. In particular, Applicants respectfully submit that the ‘126 patent fails to disclose

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<sup>2</sup> See page 3 of the outstanding Office Action.

<sup>3</sup> See ‘126 patent, column 14, lines 24-29.

recording both the copy control information and the copy permission information recited in Claim 1.

The '736 patent is directed to a method for transferring data on a bus system using isochronous communication and asynchronous communication, wherein the isochronous communication is for any device on the bus to receive synchronous data, and the asynchronous communication is for a predetermined device to receive asynchronous data, wherein the synchronous data may contain actual data and encryption identification information indicating encrypted actual data. Further, as noted by the outstanding Office Action, the '736 patent discloses that a sending device 110 includes a source packet generator that adds a 4-byte source packet header to the 188-byte transport packet received from an encryptor 101. See the '736 patent, Figure 2. However, **the '736 patent is silent regarding the contents of the 4-byte source packet header added to the 188-byte transfer packet.** In particular, the '736 patent does not disclose that copy permission information generated by a generator is recorded in the extra 4-byte header adjacent to the 188-byte transport stream packet, as required by Claim 1. The '736 patent does not teach or suggest that copy protection information should be included in the 4-byte header disclosed by the '736 patent.

Further, Applicants respectfully submit that one of ordinary skill in the art, upon reading the contents of the '736 patent, would not have been motivated to simply add an extra 4-byte header to the transport packet because "it would allow the user to include other information in the header," as asserted by the outstanding Office Action.<sup>4</sup> The '736 patent does not provide any motivation for one of ordinary skill in the art to add copy protection information to a 4-byte header adjacent to the transport header of the transport stream packet. At most, the '736 patent merely suggests that any information that needs to be sent can be added to a header of a source packet, but the '736 patent does not indicate what type of

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<sup>4</sup> See page 3 of the outstanding Office Action.

information is included in the header, and does not teach or suggest that, of all possible information that could be added in an extra header, copy permission information (which is generated based on extracted auxiliary information) should be added to the header, in addition to the copy control information that is already included in the transport packet. Neither the '126 patent nor the '736 patent suggests any reason for including copy permission information in an extra 4-byte header adjacent to the transport stream packet, as required by Claim 1.

Thus, no matter how the teachings of the '126 and '736 patents are combined, the combination does not teach or suggest a recorder configured to record the main information including the copy control information as a 188-byte transport stream packet, and to record the copy permission information generated by the generator in an extra 4-byte header adjacent to, but separate from, the 188-byte transport stream packet, as recited in amended Claim 1.

For the reasons stated above, Applicants respectfully traverse the rejection of Claim 1 (and all similarly rejected dependent claims) as anticipated by the '736 and '126 patents.

Independent Claims 8, 29, 35, 50, and 56 recite limitations analogous to the limitations recited in Claim 1. In particular, each of the independent claims recites the recording of copy permission information in an extra 4-byte header adjacent to, but separate from, the 188-byte transport stream packet. Accordingly, for the reasons stated above, Applicants respectfully traverse the rejections of the independent claims and submit that the independent claims patentably define over any proper combination of the cited references.

Amended Claim 2, which depends from Claim 1, clarifies that the generator is further configured to generate a flag indicating validity of the copy permission information generated by the generator based upon whether the apparatus that recorded the main information recognized and processed the control information, and the recorder is configured to record the

flag indicating validity of the copy permission information in the extra 4-byte header. The changes to Claim 2 are supported by the originally filed specification and do not add new matter.<sup>5</sup>

Regarding the rejection of Claim 2 under 35 U.S.C. §103(a), the Office Action asserts that the '126 and '736 patents disclose everything in Claim 2 with the exception of "validity of copy permission information based upon whether the apparatus that recorded the main information recognized and processed the first copy control information,"<sup>6</sup> and relies on the '196 patent to remedy those deficiencies.

The '196 patent is directed to a copyright protection method for a digital signal to be inputted to a digital recording apparatus including a digital interface, wherein in a header of a transmission frame of the digital signal to be transmitted, first copyright information is contained, and the first copyright information restricts recording of the digital signal to be inputted to the digital recording apparatus. Further, the '196 patent discloses that an apparatus can be referred to as a "CGMS-D acceptable apparatus," as well as a "CGMS-D unacceptable apparatus," depending upon whether the apparatus can perform copyright protection management based on the management information defined by way of the CGMS-D system. In particular, the '196 patent discloses that the CGMS-D system indicates copyright management conditions using three codes, "00", "11", and "10", which indicate respectively whether the content is copy free, not copy free, or can be copied only once. Column 3 of the '196 patent merely discloses that the '196 system checks the CGMS data and performs processing based on the CGMS code.

However, the '196 patent fails to disclose an information processing apparatus having a generator that is configured to generate a flag indicating validity of the copy permission information generated by the generator based upon whether the apparatus that recorded the

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<sup>5</sup> See, e.g., Figures 5A, 5B, and 6 and the discussion related thereto in the specification.

<sup>6</sup> See page 8 of the outstanding Office Action.

main information recognized and processed the copy control information. While the '196 patent discloses that an apparatus may be a CGMS acceptable apparatus or a CGMS unacceptable apparatus based on whether it can perform particular processing, the '196 patent does not teach or suggest that a flag is generated based on whether an apparatus that recorded main information recognized and processed copy control information, as required by Claim 1. Further, the '196 patent does not teach or suggest that the recorder is configured to record the flag indicating validity of the copy permission information in the extra 4-byte header, as required by Claim 2. Applicants note that Claim 2, which includes the limitations recited in Claim 1 from which it depends, requires that both the copy permission information as well as a flag indicating validity of the copy permission information is recorded in an extra 4-byte header. Applicants respectfully submit that the combined teachings of the '126, '739, and '196 patents fail to disclose this limitation.

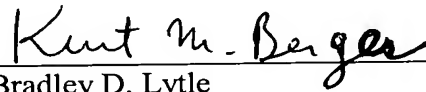
For the reasons stated above, Applicants respectfully submit that the rejections of Claims 2, 17, 31, 38, 53, and 59 are rendered moot by the present amendment to those claims.

Thus, it is respectfully submitted that independent Claims 1, 8, 29, 35, 50, and 56 (and all associated dependent claims) patentably define over any proper combination of the '126, '736, and '196 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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